

BEFORE THE  
BOARD OF OPTOMETRY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of:

ELISE A. MILLIE,

Respondent.


OAH number 2010080938

**DECISION**

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Optometry as its Decision in the above-entitled matter.

This Decision shall become effective on August 10, 2011.

IT IS SO ORDERED this 11th day of July.

  
\_\_\_\_\_

BEFORE THE  
STATE BOARD OF OPTOMETRY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation

Against:

ELISE A. MILLIE  
Tampa, Florida 33606

Optometrist License No. OPT 13430

Respondent.

Case No. CC 2008-156

OAH No. 2010080938

This matter was heard before Karen J. Brandt, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, on March 29, 2011, in Sacramento, California.

Elena L. Almanzo, Deputy Attorney General, represented Mona Maggio, Executive Officer (complainant) of the State Board of Optometry (Board).

Robert L. Goldstucker, Attorney at Law, appearing pro hac vice, represented Elise A. Millie (respondent), who was not present.

SUMMARY

Respondent is licensed as an optometrist in California, Nevada, and other states. While working in Nevada under her Nevada license, respondent signed the name of an ophthalmologist to a prescription for prednisone. The Nevada Board of Optometry (Nevada Board) filed an accusation (Nevada Accusation) against respondent for this conduct and issued a decision (Nevada Board Decision) disciplining respondent's Nevada license. The Clark County, Nevada District Court (Nevada District Court) issued an order (Nevada District Court Order), which found that respondent's conduct was neither unethical nor unprofessional, and set aside the Nevada Board Decision. Complainant seeks to discipline respondent's California license for unprofessional conduct under California law for the same conduct reviewed by the Nevada Board and Nevada District Court. This proposed decision finds that complainant is barred from disciplining respondent's California license under California law for respondent's Nevada conduct under her Nevada license that the Nevada District Court found was not unethical or unprofessional. The First Amended Accusation is therefore dismissed.

## PROCEDURAL HISTORY

1. On April 13, 2010, complainant filed an Accusation against respondent, which alleged that respondent's California license was subject to discipline pursuant to Business and Professions Code section 3110: (a) based upon the out-of-state discipline that the Nevada Board had taken against her, which found that she had "prescribed Prednisone to a patient in violation of its statute, and that she wrote and signed 'Dr. Chou's' name to the prescription for Prednisone"; and (b) "for unprofessional conduct in that in a letter to Judi D. Kennedy, Executive Director [of] the [Nevada Board], respondent admitted that she wrote a prescription for Prednisone" and "that she wrote the prescription on 'Dr. Chou's' prescription pad and signed Dr. Chou's name in order to make it easier for the patient to get the prescription filled."

2. After it was brought to complainant's attention that the Nevada District Court had set aside the Nevada Board's disciplinary action against respondent, complainant filed a First Amended Accusation, which alleges that respondent is subject to discipline pursuant to Business and Professions Code sections 3110, subdivisions (a), (e), and (q), and 3105 "for unprofessional conduct in that she committed a dishonest and/or fraudulent act when she signed the name of an ophthalmologist on a prescription for prednisone."

3. On March 22, 2011, the ALJ issued an order bifurcating the issues in this matter. At the hearing on March 29, 2011, evidence was taken and legal arguments were heard on the following two issues: (1) whether complainant is precluded by res judicata, collateral estoppel, or any other applicable legal principles from pursuing the First Amended Accusation against respondent in light of the Nevada District Court Order; and (2) if this proceeding is not precluded by the Nevada District Court Order, what law applies to determine whether respondent's California license should be disciplined.

4. The record was left open after the March 29, 2011 hearing for respondent to file a copy of the written argument respondent submitted to the Nevada District Court. On April 4, 2011, OAH received Petitioner's Memorandum of Points and Authorities, which marked for identification as Exhibit M. On April 6, 2011, complainant submitted a letter objecting to Exhibit M, which was marked for identification as Exhibit 14. In response to Exhibit 14, on April 8, 2011, respondent submitted a letter by email, which was marked for identification as Exhibit N. Pages 1 through 21 of Exhibit M are admitted into evidence. The record was closed and this matter was submitted for decision on April 8, 2011.

## FACTUAL FINDINGS

1. Respondent is licensed as an optometrist in both California and Nevada.

2. On November 21, 2008, Judi D. Kennedy, Executive Director of the Nevada Board, signed the Nevada Accusation, which sought to discipline respondent's Nevada license. In relevant part, the Nevada Accusation alleged:

8. NRS 636.300.<sup>1</sup> Unethical or unprofessional conduct: Improper association or use of prescription blanks. The following acts, among others, constitute unethical or unprofessional conduct:

...  
3. Signing the prescription blanks of another optometrist or allowing another optometrist to use his prescription pad.  
...

9. Attached hereto and incorporated herein by reference as Exhibit "B" is a copy of a page from a prescription pad for Stella Chou, M.D. [Respondent] violated the provisions of NRS 636.300[3], in that, by her own admission, in her Response to the Complaint of [the patient], [respondent] stated, "Because Dr. Chou was not available, I wrote the prescription on her prescription pad and signed Dr. Chou's name..."<sup>2</sup>

3. On January 21, 2009, the Nevada Board issued its Nevada Board Decision against respondent. In its Nevada Board Decision, the Nevada Board, in relevant part, made the following findings:

1. That, based upon her own admission, on or about March 7th, 2008, [respondent] prescribed to a patient, the oral steroid, Prednisone;

2. That [respondent] wrote said prescription for Prednisone using the prescription pad of Dr. Stella Chou, an ophthalmologist who worked with [respondent] at Valley Eye, and signed Dr. Chou's name to the prescription;

In the Legal Conclusions, the Nevada Board, in relevant part, concluded as follows:

2. NRS 636.300[3] states that "signing the prescription blanks of another optometrist" constitutes unethical or unprofessional conduct. By writing a prescription and signing Dr. Chou's name on Dr. Chou's prescription pad, [respondent]

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<sup>1</sup> "NRS" stands for Nevada Revised Statutes.

<sup>2</sup> The exhibits that were attached to the Nevada Accusation were not offered into evidence in this matter.

is guilty of unethical and unprofessional conduct in violation of NRS 636.300.

4. On March 10, 2009, respondent filed a petition in the Nevada District Court, Case No. A584857, contesting the Nevada Board Decision.

5. On July 16, 2009, a Nevada Deputy Attorney General submitted a Memorandum of Points and Authorities (Memorandum) to the Nevada District Court in support of the Nevada Board Decision. In the Memorandum, the Nevada Deputy Attorney General described the Nevada Board's action against respondent, in relevant part, as follows:

NRS 636.300 provides, in relevant part, that:

The following acts, among others, constitute unethical or unprofessional conduct:

3. Signing the prescription blanks of another optometrist or allowing another optometrist to use his prescription blanks.

[Respondent] signed the prescription blank of an ophthalmologist. ...

"Where the intention of the Legislature is clear, it is the duty of the court to give effect to such intention and to construe the language of the statute so as to give it force and not nullify its manifest purpose." [Citations.] Clearly, the intention of the Legislature is to prevent the unethical and unprofessional use of prescription blanks. Further, the [Nevada] Board has a duty to protect the public from the unethical and unprofessional use of prescription blanks by the optometrists it regulates and enforce the provisions of NRS Chapter 636. *See* NRS 622.080.

The substantial evidence in the record is that [respondent] knowingly and willfully signed the prescription blank of an ophthalmologist, which is unethical and unprofessional conduct in violation of NRS and NAC Chapter 636. The [Nevada] Board's decision imposing discipline for said violation should be upheld.

6. On January 7, 2010, the Nevada District Court issued a decision (Nevada District Court Decision), which in relevant part, ruled:

The court ... agrees with [respondent] ... that the evidence adduced did not prove what was alleged to have been done regarding NRS 636.300 (3) (signing prescription pad of another

"optometrist") ... Therefore, the subject determination is clearly erroneous, arbitrary and capricious, and contrary to law, and [respondent's] Petition is GRANTED on those grounds.

In the Nevada District Court Decision, the Nevada District Court directed respondent's counsel:

to submit a proposed order consistent with the foregoing and which sets forth the factual and legal underpinnings of the same in accordance herewith and with counsel's briefing and argument. [¶] This decision is a summary of the Court's analysis of the matter and sets forth the Court's intended disposition on the subject, but it anticipates further order of the Court to make such disposition effective as an order or judgment.

7. On February 5, 2010, the Nevada District Court issued the Nevada District Court Order, which was drafted by respondent's counsel, and which, in relevant part, ruled as follows:

The [Nevada] Board's finding that [respondent's] conduct violated law and made her guilty of unethical or unprofessional conduct, by signing the prescription pad of another ophthalmologist, is an error of law, clearly erroneous in view of reliable, probative and substantial evidence on the whole record and is arbitrary, capricious and characterized by an abuse of the [Nevada] Board's discretion. As such, the [Nevada] Board's Order with respect to NRS 636.300[3] is set aside in accordance with NRS 233B.135(3)(d), (e) and (f).

The Nevada District Court Order set aside the Nevada Board Decision against respondent.

8. On October 18, 2010, the Nevada Supreme Court dismissed the Nevada Board's appeal from the Nevada District Court Order based upon the Nevada Board's motion for voluntary dismissal. When the Nevada Board's appeal to the Nevada Supreme Court was dismissed, the Nevada District Court Order became a final decision.

9. In the First Amended Accusation, complainant alleges the same facts and issues that the Nevada Board alleged in its Nevada Accusation and the Nevada District Court addressed in its Nevada District Court Order: whether respondent, while practicing under her Nevada license in Nevada, engaged in unethical and unprofessional conduct by signing the name of an ophthalmologist on a prescription for prednisone.

## LEGAL CONCLUSIONS

1. Complainant argues that respondent's California license is subject to disciplinary action for her Nevada conduct under Business and Professions Code sections 3110, subdivisions (a), (e), and (q), and 3105.

2. Business and Professions Code section 3110 provides that the Board may take action against a licensee for "unprofessional conduct" and, in relevant part, defines "unprofessional conduct" to include:

(a) Violating or attempting to violate, directly or indirectly assisting in or abetting the violation of, or conspiring to violate any provision of this chapter or any of the rules and regulations adopted by the board pursuant to this chapter.

[¶] ... [¶]

(e) The commission of fraud, misrepresentation, or any act involving dishonesty or corruption, that is substantially related to the qualifications, functions, or duties of an optometrist.

[¶] ... [¶]

(q) The failure to maintain adequate and accurate records relating to the provision of services to his or her patients.

Business and Professions Code section 3105, in relevant part, provides:

Altering or modifying the medical record of any person, with fraudulent intent, or creating any false medical record, with fraudulent intent, constitutes unprofessional conduct.

3. Respondent argues that the Board is barred by the Full Faith and Credit Clause of the U.S. Constitution, res judicata, and collateral estoppel from proceeding against respondent under Business and Professions Code sections 3110, subdivisions (a), (e), and (q), and 3105.

4. Full Faith and Credit. Article IV, section 1 of the U.S. Constitution (Full Faith and Credit Clause), in relevant part, provides: "Full Faith and Credit shall be given in each State to the ... judicial Proceedings of every other State." As the Ninth Circuit Court of Appeals explained in *United Farm Workers of America, AFL-CIO v. Arizona Agricultural Employment Relations Board* (9th Cir. 1982) 669 F.2d 1249, 1255:

The ultimate question in full faith and credit analysis is one of res judicata. Thus, decisions of the courts or administrative agencies of one state are entitled to the same res judicata effect

in all other states as they enjoy in the state of rendition.  
[Citations.]

5. Respondent argues that the Nevada District Court Order is a final decision of the Nevada District Court to which the Board must give full faith and credit under the Full Faith and Credit Clause. According to respondent, under the Full Faith and Credit Clause, the Board is barred from reviewing the same facts and issues that were finally determined by the Nevada District Court.

6. Scope of the Nevada District Court Order. Complainant argues that the Nevada District Court Order is not entitled to full faith and credit because the finding in that order that respondent did not engage in unethical or unprofessional conduct when she signed the name of an ophthalmologist to a prescription for prednisone went beyond the scope of the statute that the Nevada Board relied upon in the Nevada Accusation and the finding of the Nevada District Court in the Nevada District Court Decision. In making this argument, complainant relies upon *Moore v. Board of Accountancy* (1972) 2 Cal.4th 999, 1015, for the proposition that the Nevada District Court could not render a decision that went beyond the scope of that which was pled by the Nevada Board. According to complainant, because the Nevada District Court Order is broader than the statutory violation the Nevada Board charged in the Nevada Accusation and the finding that the Nevada District Court made in the Nevada District Court Decision, the Nevada District Court Order's determination that respondent did not engage in unethical or unprofessional conduct when she signed the name of an ophthalmologist to a prescription for prednisone is dicta and cannot be given full faith and credit. As set forth below, complainant's argument is not persuasive.

7. While the statute that the Nevada Board relied upon (NRS 636.300(3)), on its face, appears to apply only when an optometrist signs the name of another *optometrist* on a prescription, it is clear from both the Nevada Accusation (Finding 2) and the Nevada Deputy Attorney General's Memorandum to the Nevada District Court (Finding 5) that the Nevada Board charged respondent with unethical and unprofessional conduct for signing the name of an *ophthalmologist* on a prescription. And while the Nevada District Court Decision narrowly found that "the evidence adduced did not prove what was alleged to have been done regarding NRS 636.300 (3) (signing prescription pad of another 'optometrist')," the Nevada District Court asked respondent's counsel to prepare an order that was "consistent with the [Nevada District Court Decision] and which sets forth the factual and legal underpinnings of the same in accordance [with the Nevada District Court Decision] *and with counsel's briefing and argument.*" (Finding 6. *Italics added.*) Thus, in its Nevada District Court Decision, the Nevada District Court recognized that the Nevada District Court Order would include not only the findings explicitly set forth in the Nevada District Court Decision, it would also include matters addressed in the briefs filed and the arguments made by counsel.

8. Moreover, it is beyond the jurisdiction of this tribunal to narrow the scope of the Nevada District Court Order. That function belongs solely to the courts of Nevada. If the Nevada District Court judge believed that the Nevada District Court Order went beyond the scope of his Nevada District Court Decision, he could have refused to sign it or narrowed



its scope. If the Nevada Board disputed the breadth of the Nevada District Court Order, it could have proceeded with its appeal to the Nevada Supreme Court. When the Nevada Board dropped its appeal to the Nevada Supreme Court, the Nevada District Court Order became a final decision. As a final decision, the Nevada District Court Order is entitled to full faith and credit by California administrative agencies and courts.

9. Application of California Law. Complainant argues that the Nevada District Court Order is not applicable in this proceeding because complainant seeks to discipline respondent for violating California law, not Nevada law. According to complainant, whether respondent may have violated Nevada law when she signed the name of an ophthalmologist on a prescription for prednisone is not relevant; all that is relevant in this proceeding is whether respondent's California license should be disciplined under California law for her conduct in Nevada. In making this argument, complainant relies upon the court decisions in *Hughes v. Board of Architectural Examiners* (1998) 17 Cal.4th 763 (*Hughes*), *Foster v. McConnell* (1958) 162 Cal.App.2d 701 (*Foster*), *Emslie v. The State Bar of California* (1974) 11 Cal.3d 210 (*Emslie*), and *In re Porep* (1941) 60 Nev. 393 (*Porep*). According to complainant, these cases stand for the proposition that the Board may discipline a California license for conduct that occurs outside California. As set forth below, complainant's argument is not persuasive.

10. In *Hughes*, *Foster*, and *Emslie*, the courts ruled that California professional licenses could be disciplined under California law based upon the licensees' wrongful conduct outside California. But in none of these cases were the licensees disciplined for actions that they engaged in while they were practicing their professions in other states under licenses issued by those other states. In addition, none of these cases involved a final decision issued by a court of that other state that found that the licensee's conduct was not illegal under that state's laws. Moreover, none of these cases involved the application of the Full Faith and Credit Clause. As such, *Hughes*, *Foster* and *Emslie* are not applicable.

11. In *Porep*, the Supreme Court of Nevada disciplined the license of a Nevada attorney for violating a Rule of Professional Conduct of the State Bar of Nevada, which prohibited Nevada attorneys from soliciting "professional employment by advertisement." In that case, the attorney was licensed to practice law in both Nevada and California. The attorney published an advertisement in the San Francisco Examiner, which the Nevada Supreme Court interpreted as soliciting clients to come to Reno to obtain divorces, because the divorce laws in Nevada were more lenient than those in California. The court noted that, in his advertisement, the attorney referred to himself as a "Nevada" attorney.

The *Porep* court recognized that:

an attempt was made to have the State Bar of California take disciplinary action against [the attorney] because of his having caused to be published the advertisements involved in this proceeding, but that Local Administrative Committee No. 2, for San Francisco, after considering the facts brought to its

attention, concluded that they did not justify disciplinary action by the [California] State Bar. (*Porep, supra*, 60 Nev. at p. 535.)

The attorney in *Porep* argued that, under the Full Faith and Credit Clause, the "action of the San Francisco Administrative Committee operated as a bar to any disciplinary proceedings by the State Bar of Nevada, based upon the same facts." (*Porep, supra*, 60 Nev. at p. 535.)

The Nevada Supreme Court held that the Full Faith and Credit Clause was not applicable, because the determination of the San Francisco Administrative Committee did not constitute a final decision of an administrative agency or a court as to which the doctrine of full faith and credit applied. As the court found, the "California proceedings apparently never came before the Board of Governors of the California State Bar, nor any California court." (*Porep, supra*, 60 Nev. at p. 535.) The court ruled that Nevada could discipline the attorney under Nevada law for the advertisement, even though it was published in a California newspaper, because that advertisement solicited clients to come to Nevada for legal services that the attorney intended to perform under his Nevada license.

12. The facts in this proceeding are distinguishable from those in *Porep*. First, the Nevada District Court Order at issue in this proceeding is a final court decision as to which full faith and credit applies. Second, the professional services at issue in this matter were provided by respondent in Nevada while she was practicing under her Nevada license.

13. Given these factors, the Board must give full faith and credit to the Nevada District Court Order, which ruled that respondent did not engage in unethical or unprofessional conduct when she signed the name of an ophthalmologist to a prescription for prednisone. Even though an argument can be made that the Nevada Board lost before the Nevada District Court because it did not charge respondent with the appropriate provisions of Nevada law,<sup>3</sup> the Board is bound by the Nevada District Court Order. Respondent's conduct took place solely in Nevada while she was practicing optometry under her Nevada license. The Nevada District Court, in its Nevada District Court Order, ruled that respondent's conduct was not unethical or unprofessional under Nevada law. The Board is barred by the Full Faith and Credit Clause from seeking to do a better job of disciplining respondent than the Nevada Board did for conduct that took place solely in Nevada under respondent's Nevada license.<sup>4</sup> Consequently, the First Amended Accusation against respondent must be dismissed.

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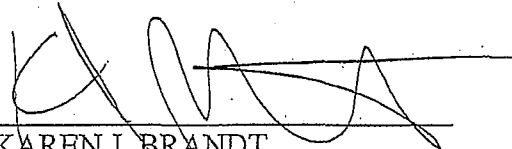
<sup>3</sup> As complainant pointed out in its Opposition to Renewed Motion to Dismiss filed on March 10, 2011, under NRS 636.295(8) and (10), the Nevada Board could have charged respondent with making false or misleading representations, and engaging in unethical or unprofessional conduct, respectively. In the Nevada Accusation, the Nevada Board did not charge respondent with violations of these provisions.

<sup>4</sup> Respondent also argued that any effort by complainant to expand the Board's enforcement of the California statutes regulating the practice of optometry to conduct of optometrists outside California is unconstitutional as a violation of the "dormant" Commerce

ORDER

The First Amended Accusation against respondent Elise A. Millie is DISMISSED.

DATED: April 11, 2011



KAREN J. BRANDT  
Administrative Law Judge  
Office of Administrative Hearings

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Clause. Because this proposed decision determines that the Board must give full faith and credit to the Nevada District Court Order, there is no need to reach respondent's "dormant" Commerce Clause argument.

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8 **BEFORE THE**  
9 **STATE BOARD OF OPTOMETRY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation  
Against:

Case No. CC 2008-156

12 **ELISE A. MILLIE**  
13 **502 South Fremont Avenue, #123**  
14 **Tampa, Florida 33606**  
**Optometrist License No. OPT 13430**

**FIRST AMENDED ACCUSATION**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Mona Maggio (Complainant) brings this First Amended Accusation solely in her  
19 official capacity as the Executive Officer of the State Board of Optometry, Department of  
20 Consumer Affairs.

21 2. On or about October 3, 2007, the State Board of Optometry issued Optometrist  
22 License Number OPT 13430 to Elise A. Millie (Respondent). Said license will expire on  
23 November 30, 2010, unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the State Board of Optometry (Board), Department  
26 of Consumer Affairs, under the authority of the following laws. All section references are to the  
27 Business and Professions Code unless otherwise indicated.  
28

1           4.     Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
2 administrative law judge to direct a licensee found to have committed a violation or violations of  
3 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
4 enforcement of the case.

5           5.     Section 3110 of the Code states in pertinent part:

6           "The board may take action against any licensee who is charged with unprofessional  
7 conduct, and may deny an application for a license if the applicant has committed unprofessional  
8 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not  
9 limited to, the following:

10          "(a) Violating or attempting to violate, directly or indirectly assisting in or abetting the  
11 violation of, or conspiring to violate any provision of this chapter or any of the rules and  
12 regulations adopted by the board pursuant to this chapter.

13          "(e) The commission of a fraud, misrepresentation, or any act involving dishonesty or  
14 corruption, that is substantially related to the qualifications, functions, or duties of an  
15 optometrist."

16          "(q) The failure to maintain adequate and accurate records relating to the provision of  
17 services to his or her patients"

18          6.     Section 3105 of the Code states in pertinent part:

19          "Altering or modifying the medical record of any person, with fraudulent intent, or creating  
20 any false medical record, with fraudulent intent, constitutes unprofessional conduct."

21          7.     Section 4324 (a) of the Code states in pertinent part:

22          "(a) Every person who signs the name of another, or of a fictitious person, or falsely  
23 makes, alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription  
24 for any drugs is guilty of forgery and upon conviction thereof shall be punished by imprisonment  
25 in the state prison, or by imprisonment in the county jail for not more than one year."

1 8. Business and Professions Code section 4022 provides as follows:

2 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in  
3 humans or animals, and includes the following:

4 (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without  
5 prescription," "Rx only," or words of similar import.

6 (b) Any device that bears the statement: "Caution: federal law restricts this device to sale by  
7 or on the order of a \_\_\_\_\_," "Rx only," or words of similar import, the blank to be  
8 filled in with the designation of the practitioner licensed to use or order use of the device.

9 (c) Any other drug or device that by federal or state law can be lawfully dispensed only on  
10 prescription or furnished pursuant to Section 4006.

11 9. "Prednisone" is a corticosteroid and is a dangerous drug as defined in Business and  
12 Professions Code section 4022.

#### 13 FIRST CAUSE FOR DISCIPLINE

14 10. Respondent is subject to discipline pursuant to Section 3110( a), (e), and (q) and  
15 3105 of the Code for unprofessional conduct in that she committed a dishonest and/or fraudulent act  
16 when she signed the name of an opthamologist on a prescription for prednisone. The  
17 circumstances are as follows: In a letter addressed to Judi D. Kennedy, Executive Director the  
18 Nevada State Board of Optometry, respondent admitted that she wrote a patient a prescription for  
19 Prednisone. Respondent further admitted that she wrote the prescription on "Dr. Chou's"  
20 prescription pad and signed Dr. Chou's name in order to make it easier for the patient to get the  
21 prescription filled.

#### 22 PRAYER


23 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
24 and that following the hearing, the State Board of Optometry issue a decision:

25 1. Revoking or suspending Optometrist License Number OPT 13430, issued to Elise A.  
26 Millie.  
27  
28

1           2.    Ordering Elise Anastasia Millie to pay the State Board of Optometry the reasonable  
2 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
3 Code section 125.3;

4           3.    Taking such other and further action as deemed necessary and proper.  
5  
6

7 DATED: 05/27/2010

  
MONA MAGGIO  
Executive Officer  
State Board of Optometry  
Department of Consumer Affairs  
State of California  
Complainant

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